

# PETITION FOR ZONING VARIANCE 84-35-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 To permit fifty-nine (59) parking spaces instead of the required one hundred sixteen (116).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Property split with Baltimore City-County political line.
2. Interpretation that property in Baltimore City cannot be calculated to provide parking as per Section 409.2 of the Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
S. Eric DiNenna, Esquire  
406 W. Pennsylvania Avenue 825-1630  
Address Phone No.

Attorney for Petitioner:  
S. Eric DiNenna  
(Type or Print Name)  
Signature  
Address  
City and State  
Telephone No.: 825-1630

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of July, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of August, 1983, at 10:45 o'clock A.M.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
NW Corner Philadelphia Rd. : OF BALTIMORE COUNTY  
and Odell Ave., 14th District :  
JOSEPH MOSKIOS, Petitioner : Case No. 84-35-A

## ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 21st day of July, 1983, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, 406 W. Pennsylvania Avenue, Baltimore, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

MICROFILMED

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1983

COUNTY OFFICE BLDG.  
111 W. Conquest Ave.  
Towson, Maryland 21204

000  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

S. Eric DiNenna, Esquire  
406 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 84-35-A (Item No. 15L)  
Petitioner - Joseph Moskios  
Variance Petition

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to construct an addition to the existing restaurant to be used for carry-out purposes, this hearing is required. As you are aware this property and a parcel across Odell Avenue were the subjects of a previous zoning hearing (#75-126-ASFP) in which a variance for setback of the existing building and a request for offstreet parking in a residential zone were granted.

After much discussion with your architect, the revised plan satisfies the members of this Committee, including the representative from the Department of Traffic Engineering, whose written comment is not available.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari

NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

ENCLOSURE

cc: Val Barresi  
2133 Rockwell Avenue  
Baltimore, Maryland 21228

## Baltimore County, Maryland Department of Public Works

Bureau of Engineering  
ELLSWORTH N. DIVER, P.E. CHIEF  
Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #18 (1974-1975)  
Property Owner: Christopher Moskios and Joseph Moskios  
N/3 of Odell Ave. & N/3 of Philadelphia Rd.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance from Section 238.1 to permit a front yard of 35' instead of the required 50'.  
Special Hearing for offstreet parking in a residential zone.  
No. of Acres: 4.25 sq. ft. District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### Highways:

Philadelphia Road (Md. 7) and Pulaski Highway (U.S. 40) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect the roadways under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Oakdale Avenue (Odell Avenue), an existing public road which traverses the eastern Baltimore City - Baltimore County boundary is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements including highway right-of-way widening will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering; the plan must be revised accordingly.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

The Petitioner shall also obtain additional comments from Baltimore City agencies in regard to Oakdale Avenue and the proposed parking area within Baltimore City and revise the plan accordingly.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment point-of-origin problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

## Baltimore County, Maryland Department of Public Works

Bureau of Engineering  
ELLSWORTH N. DIVER, P.E. CHIEF

December 5, 1974

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #99 (1974-1975)  
Property Owner: Christopher & Joseph Moskios  
N/3 of Odell Ave. & the N/3 of Pulaski Hwy.  
Existing Zoning: D.R.  
Proposed Zoning: Variance from Sec. 238.1 to permit a front yard of 25' instead of the required 50'.  
Special Hearing to approve offstreet parking in a residential zone.  
No. of Acres: 4.25 sq. ft. District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #18 (1974-1975) remain valid and applicable to this Item #99 (1974-1975), and are referred to for your consideration.

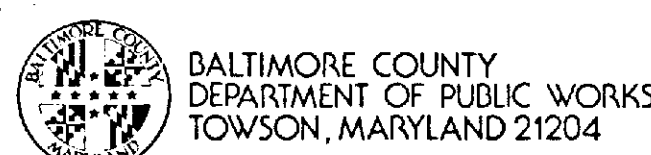
This submitted plan must be revised to correctly indicate the proposed future improvements for Oakdale Avenue (Odell Avenue).

Very truly yours,  
Ellsworth N. Diver

ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EM:FR:iss

J-SE Key Sheet  
5 & 6 NE 17 Pos. Sheets  
NE 2 & Topo  
96 Tax Map



HARRY J. PISTEL P.E.  
DIRECTOR

April 6, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Items 99 and 18 (1974-1975) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 154 (1982-1983).

Very truly yours,

Robert A. Norton, P.E., Chief  
Bureau of Public Services

RM:EM:FR:iss

J-SE Key Sheet  
5 & 6 NE 17 Pos. Sheets  
NE 2 & Topo  
96 Tax Map

Attachment



ORDER RECEIVED FOR FILING

DATE August 17, 1983  
BY Mary Campbell (Clerk)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of August, 1983, that the herein Petition for Variance(s) to permit 59 parking spaces in lieu of the required 116 spaces, in accordance with the site plan prepared by Val Barresi, dated May 24, 1983, and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. No more than 5, 685 square feet shall be utilized for the restaurant and carry-out.
2. A barrier (railroad ties, wheel stops, etc.) shall be placed along the eastern side of Odell Avenue to prevent parking between the access points for the restaurant parking lot.
3. Employees shall not park in the lot adjacent to the building.
4. The location of the dumpster(s) shall be indicated on the site plan.
5. Sufficient paved and marked parking spaces shall be provided on and off-site to meet the requirements of Section 409.2.b of the Baltimore County Zoning Regulations.
6. All parking layouts shall be approved by the Department of Traffic Engineering.
7. Landscaping shall be provided between the restaurant and Odell Avenue as well as in the planter located adjacent to the D. R. 5-5 Zone.
8. Compliance with Restrictions 5 and 6 above shall be attained before occupancy.
9. A revised site plan, incorporating the restrictions set forth above, shall be submitted and approved by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

*Jan M. J. J.*  
Deputy Zoning Commissioner  
Baltimore County

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 154, Zoning Advisory Committee Meeting of March 1, 1983

Property Owner: Joseph Moskios

Location: 7302 Pulaski Hwy. District 14

Water Supply Public Sewage Disposal Public

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation of fuel burners and equipment, the owner should contact the Division of Air Pollution Control, 1934-3775, to obtain requirements for such installation before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint booths, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)



Maryland Department of Transportation  
State Highway Administration

Lowell K. Bridwell  
Secretary  
M. S. Calhoun  
Administrator

March 4, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 3-1-83  
Item: #154  
Property Owner: Joseph Moskios  
Location: N/W side Philadelphia Rd. (Route 7) & Odell Ave.  
S/W side Odell Ave. 131.15' N/W from Pulaski Highway  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit a parking lot containing 60 parking spaces in lieu of the required 116 spaces.  
Access: 0.07 & 0.58  
District: 14th

Dear Mr. Hammond:

On review of the site plan and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

*Charles Lee*  
Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: George Wittman

CL:GW:rvd

cc: Mr. J. Ogle

My telephone number is (301) 659-1350.  
Teletypewriter for Impaired Hearing or Speech  
3637555 Baltimore Metro - 365-0431 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
P.O. Box 717 / 707 North Caven St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 16, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

S. Eric DiNenna, Esquire  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 154 - Case No. 84-35-A  
Petitioner - Joseph Moskios  
Variance Petition

Dear Mr. DiNenna:

Enclosed is the revised comment from the Department of Traffic Engineering on the above referenced petition.

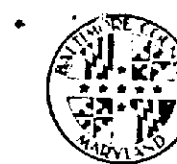
Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: Val Barresi  
2133 Rockwell Avenue  
Baltimore, Maryland 21228



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

August 8, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 154 -ZAC- REVISED COMMENTS  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Access:  
District:

Dear Mr. Hammond:

The site plan appears to be satisfactory.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Assoc. II

MSF/cem



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. RENCKE  
CHIEF

March 30, 1983

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Joseph Moskios

Location: NW/S Philadelphia Road and Odell Avenue  
SW/S Odell Avenue 131.15' N/W from Pulaski Highway  
Item No.: 154  
Zoning Agenda: Meeting of March 1, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

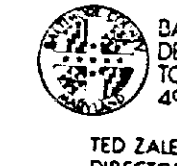
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- (X) 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: *George M. Baggett*  
Planning Group  
Special Inspection Division  
Fire Prevention Bureau

JK/mh/cem



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3500

March 11, 1983

TED ZALESKI, JR.  
DIRECTOR

Mr. William N. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #154, Zoning Advisory Committee Meeting March 1, 1983 are as follows:

Property Owner: Joseph Moskios  
Location: NW/S Philadelphia Road and Odell Avenue; SW/S Odell Ave. 131.15' N/W from Pulaski Highway  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit a parking lot containing 60 parking spaces in lieu of the required 116 spaces.  
Access: 0.07 & 0.58  
District: 14th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 142 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

- X B. A building and other miscellaneous permits shall be required before beginning construction.

- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 1601, line 2, Section 1607 and Table 1602.

- F. Requested variance conflicts with the Baltimore County Building Code, Section/s \_\_\_\_\_.

- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 601.

- X I. Comments: Show walk and curb cuts so the handicapped are not compelled to pass behind parked vehicles; provide sign on post or building for each space.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.  
If desired, additional information may be obtained by visiting Room #129 (Plans Review) at 111 West Chesapeake Ave., 21204.

*Charles E. Sumner*  
Charles E. Sumner, Chief  
Plans Review

CEB:rv

FORM 01-82



# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Eubel, Superintendent

Towson, Maryland - 21204

Date: March 2, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: March 1, 1983

RE: Item No: 153, 154, 155, 156, 157, 158, 159, 160, 161  
Property Owner  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

## LEASE AGREEMENT

This agreement made this 28<sup>th</sup> day of September, 1982, in the year 1982 by and between Carmela C. Mirabile party of the first part (hereinafter referred to as Lessor) and Phil Mar Inn, Inc., a body corporate licensed to do business in the State of Maryland and Joseph Moskios, party of the second part, (hereinafter referred to as Lessee).

WITNESSETH, that in consideration of the mutual promises between Lessor and Lessee, and \$5.00, receipt of which is hereby acknowledged, and the other considerations as stated below, the Lessor does agree to lease to the Lessee and the Lessee does agree to lease from the Lessor, all that lot of unimproved ground situated and lying primarily in Baltimore County, State of Maryland, and more specifically being known as 1501 Odell Avenue, Baltimore, Maryland, 21237, as further described in a Deed recorded among the Land Records of Baltimore County, State of Maryland, in Liber #5651, folio 559.

## TERMS

1. **RENT:** Lessee agrees to pay to Lessor monthly rent in the amount of One hundred sixty (\$160.00) with the first rental payment due concurrently with the signing of this Agreement. Lessee agrees to a ten dollars (\$10.00) increase in rent beginning October 1, 1984, and continuing thereafter.
2. **PLACE AND TIME OF PAYMENT:** Rent shall be paid (or any other amount which may be due under the terms hereof), in advance at 400 Mirabile Lane, Baltimore, Md. 21224, or at such other place as agreed upon by both parties.
3. **TERM:** The term of this lease shall be five years (60 months) beginning October 1, 1982 and continuing in force until September 30, 1987.
4. **IMPROVEMENTS:** The Lessee, at his own expense, shall be allowed to make lawful improvements upon the demised property, subject to the consent, in writing, of the Lessor.
5. **USE AND MAINTENANCE:** The Lessee shall have the right to convert the demised property into a parking facility for and only for the employees and patrons of the Phil Mar Inn Restaurant, located at 7300 Pulaski Highway, Baltimore, Md. 21237. Any paving, clearing, maintenance, cleaning, repair, etc., of said facility shall be the sole responsibility of the Lessee and Lessee shall be required to maintain said facility in a neat, clean, safe, and proper manner.

6. **INSURANCE:** Should the demised property be used for purposes of a parking facility (as specified in number 5 above), the Lessee agrees to provide adequate insurance (liability and any other appropriate type) for the protection of itself and the Lessors. Said insurance policy shall carry a minimum liability limit of \$250,000.00 per accident/\$500,000.00 per occurrence.
7. **USE:** The demised property during the continuance of this lease shall be used for a parking facility as described specifically in Number 5 above, and for no other purpose or purposes without the prior written consent of the Lessor, and the Lessee shall not use the demised property for any purpose in violation of any federal, state, or municipal statute or ordinance, or of any regulation, order, or directive of a governmental agency, as such statutes, orders, directives or ordinances, or regulations now exist or may hereinafter provide, concerning the use and safety of the demised property.
8. **BREACH:** Upon the breach of any provision hereof by the Lessee, the Lessor may, at her option, reenter and repossess the demised property and maintain a civil action against the Lessee for monetary damages. In the latter regard, the Lessee agrees that, where they should breach this Agreement, the Lessor may appoint any attorney of record to go into any court having proper jurisdiction and confess judgment against the Lessee for the balance of the unpaid rent due up to the end of the aforesaid term of this Agreement and for any other damages arising from said breach by Lessee, and Lessee further agrees to pay the aforesaid attorney/counsel fees of 15% of the amount of said damages assessed plus court costs in said proceeding.
9. **LIABILITY:** Lessee agrees to hold harmless Lessor for any damages or liability from suit (including attorneys fees in defense thereof) arising out of injury or loss occurring on the demised property during the term of this Agreement.
10. **TERMINATION:** The Agreement shall terminate upon the giving of notice by either party within thirty (30) days of the expiration date herein mentioned above. Should said notice not be given by either of the parties hereto, then the Agreement shall be automatically renewed for one year periods subject to a 15 day notice to terminate as set forth above.
11. **UTILITIES, TAXES, ETC.:** The cost of all utilities including but not limited to gas, electric, water and sewerage shall be the sole responsibility of the Lessee. If the property tax payment should increase beyond 50% of the present gross bill (appearing on tax bill for 1982 period July 1, 1982 - June 30, 1983), Lessee agrees to pay that amount above said 50% increase.

12. **SURRENDER:** In the event the Lessee shall surrender the demised property prior to the expiration of the Lease, responsibility for the payment of the rental reserved herein shall continue until such time as Lessor shall have effected a reletting of the demised property at a rental rate at least equal to that reserved herein.
13. This Agreement contains the entire contract between the parties hereto, in writing.
14. Should any portion of this Agreement be found to be unenforceable, it shall not effect the remainder of this Agreement.

AS WITNESS THE HANDS AND SEALS OF THE PARTIES HERETO THIS 28<sup>th</sup> DAY OF SEPTEMBER, 1982.

TEST:

*William E. Hammond*  
William E. Hammond  
Zoning Commissioner  
*Carmela C. Mirabile*  
Carmela C. Mirabile  
*Phil Mar Inn, Inc.*  
Phil Mar Inn, Inc.  
By Joseph Moskios, President  
*Joseph Moskios*  
Joseph Moskios

PETITIONER'S  
EXHIBIT 3

## PETITION FOR VARIANCE

14th Election District

ZONING: Petition for Variance  
LOCATION: Northwest corner of Philadelphia Road and Odell Avenue  
DATE & TIME: Tuesday, August 9, 1983 at 10:45 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit 59 parking spaces instead of the required 116

The Zoning Regulation to be excepted as follows:  
Section 409.2b - parking requirements

All that parcel of land in the Fourteenth District of Baltimore County

Being the property of Joseph Moskios, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, August 9, 1983 at 10:45 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

July 29, 1983

S. Eric DiNenna, Esquire  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

Re: Petition for Variance  
NW/corner Philadelphia Road  
and Odell Avenue  
Joseph Moskios - Petitioner  
Case No. 84-35-A

Dear Mr. DiNenna:

This is to advise you that \$108.45 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,  
*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119455

DATE 8/9/83 ACCOUNT R-01-615-000

AMOUNT \$108.45 cash

RECEIVED FROM S. Eric DiNenna, Esquire  
FOR Advertising & Posting Case #84-35-A  
(Joseph Moskios)

6 071\*\*\*\*\*108455 8102A

VALIDATION OR SIGNATURE OF CASHIER

July 17, 1983

S. Eric DiNenna, Esquire  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

## NOTICE OF HEARING

Re: Petition for Variance  
NW/corner Philadelphia Road and Odell Avenue  
Joseph Moskios - Petitioner  
Case No. 84-35-A

TIME: 10:45 A.M.

DATE: Tuesday, August 9, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 112388

RECEIVED FROM S. Eric DiNenna, Esquire  
FOR Advertising & Posting Case #84-35-A  
(Joseph Moskios)

DATE 8/9/83 ACCOUNT R-01-615-000

AMOUNT \$108.45 cash

RECEIVED FROM S. Eric DiNenna, Esquire  
FOR Advertising & Posting Case #84-35-A  
(Joseph Moskios)

6 081\*\*\*\*\*108455 8102A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond  
Zoning Commissioner  
TO: Zoning Commission  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition No. 84-35-A  
SUBJECT: Joseph Moskios

Date: July 29, 1983

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber*  
Norman E. Gerber  
Director of Planning and Zoning

NEG:JGH:slc

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 16, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

S. Eric DiNenna, Esquire  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 154 - Case No. 84-35-A  
Petitioner - Joseph Moskios  
Variance Petition

Dear Mr. DiNenna:

Enclosed is the revised comment from the Department of Traffic Engineering on the above referenced petition.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: Val Barresi  
2133 Rockwell Avenue  
Baltimore, Maryland 21228

Copy

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

August 8, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 154 -ZAC- REVISED COMMENTS  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Hammond:

The site plan appears to be satisfactory.

*Michael S. Planigan*  
Michael S. Planigan  
Traffic Engineer Assoc. II

MSF/ccm

Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

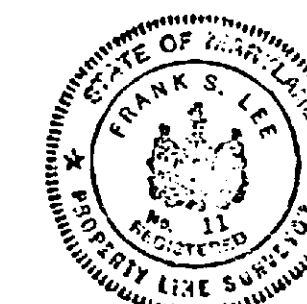
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

January 27, 1983

Restaurant Lot  
Northwest corner of Philadelphia Road and Odell Avenue  
14th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the north-west side of Philadelphia Road with the northeast side of Odell Avenue, thence running and binding on the northeast side of Odell Avenue North 27 degrees 48 minutes 55 seconds West 209.68 feet, thence leaving Odell Avenue for two lines of division as follows: North 62 degrees 11 minutes 05 seconds East 173.68 feet and South 27 degrees 09 minutes 55 seconds East 173.47 feet to the northwest side of Philadelphia Road, and thence running and binding on the northwest side of Philadelphia Road South 50 degrees 13 minutes 05 seconds West 172.90 feet to the place of beginning.

Containing 0.58 acres of land more or less,



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JALON  
ZONING COMMISSIONER

August 19, 1983

S. Eric DiNenna, Esquire  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petition For Variance  
NW/corner of Philadelphia Rd. and O'Dell Ave. - 14th Election District  
Joseph Moskios - Petitioner  
NO. 84-35-A (Item No. 154)

Dear Mr. DiNenna:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

*John M.H. Jung*  
JOHN M.H. JUNG  
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Ms. Adeline Pribyl  
7306 Pulaski Highway  
Baltimore, Maryland 21237

Mr. Alvin Hollar  
1513 O'Dell Avenue  
Baltimore, Maryland 21237

John W. Hessian, III, Esquire  
People's Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 4, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

S. Eric DiNenna, Esquire  
406 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 154  
Petitioner - Joseph Moskios  
Variance Petition

Dear Mr. DiNenna:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Department of Traffic Engineering  
Michael Planigan - 494-3554

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee

NBC:bsc

cc: Frank S. Lee 1277 Neighbors Ave. 21237

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 16, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

S. Eric DiNenna, Esquire  
406 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 154  
Petitioner - Joseph Moskios  
Variance Petition

Dear Mr. DiNenna:

In accordance with our recent phone conversation, the site plans and descriptions will have to be revised. I will await your further directions in this matter.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

cc: Val Barresi  
2133 Rockwell Avenue  
Baltimore, Md. 21228

file

Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

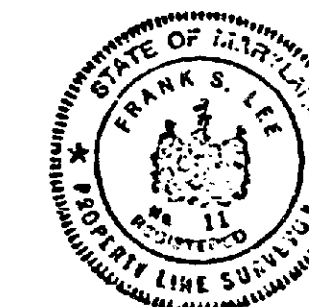
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

January 27, 1983

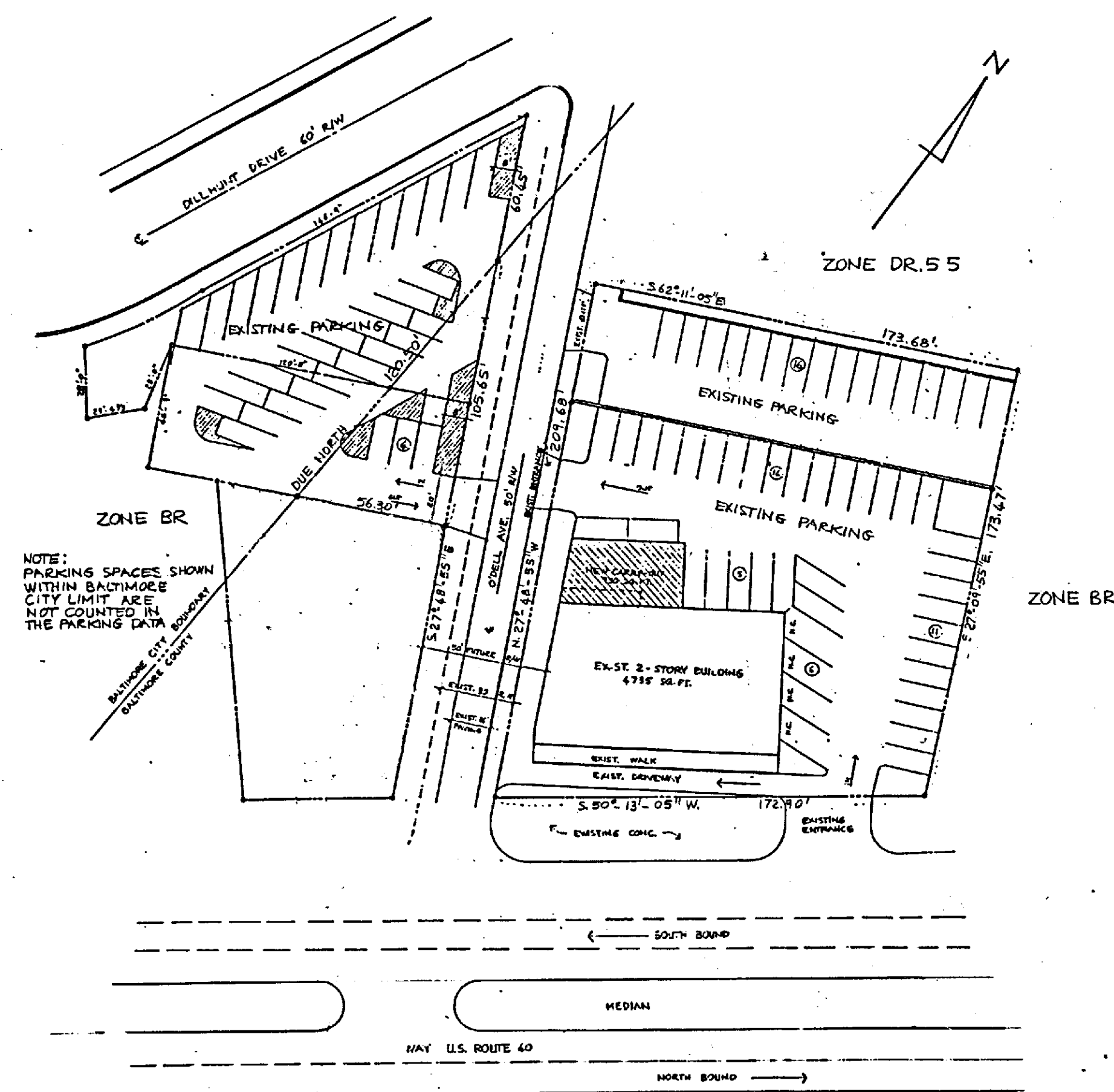
Odell Avenue  
14th District Baltimore County, Maryland

Beginning for the same on the southwest side of Odell Avenue at the distance of 131.15 feet measured northwesterly along the southwest side of Odell Avenue from the northwest side of Pulaski Highway, thence running and binding on the southwest side of Odell Avenue North 27 degrees 48 minutes 55 seconds West 105.65 feet to intersect the Eastern Boundary Line between Baltimore City and Baltimore County, thence leaving Odell Avenue and binding on part of said Eastern Boundary Line, Due South 120.50 feet, and thence running North 61 degrees 16 minutes 05 seconds East 56.30 feet to the place of beginning.

Containing 0.07 acres of land more or less.







**PARKING DATA**  
 EXISTING RESTAURANT 4735 S.F.  
 1-PARKING SPACE PER 50 S.F. REQUIRED 95 SPACES  
 EXISTING STORAGE AREA (2ND FL.) 4735 S.F.  
 1-PARKING SPACE PER 200 S.F. REQUIRED 16 SPACES  
 PROPOSED CARRY-OUT AREA 450 S.F.  
 1-PARKING SPACE PER 200 S.F. REQUIRED 5 SPACES  
 TOTAL PARKING SPACES REQUIRED 116 SPACES  
 TOTAL PARKING SPACES SHOWN 60 SPACES  
 PARKING SPACE 9'x18' - 80  
 HANDICAPPED SPACE 12'x18' - 4

PARKING LAYOUT FOR:  
 THE PHIL MAR INN  
 7302 PULASKI HIGHWAY  
 BALTIMORE COUNTY, MD.

**PETITION MAPPING PROGRESS SHEET**

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>WJ</u>	Revised Plans: Change in outline or description					Yes <input type="checkbox"/> No <input type="checkbox"/>				
Previous case: <u>75-126 AMH</u>	Map # <u>NO 2E</u>									

S. Eric DiPenna, Esquire  
 1405 N. Pennsylvania Avenue  
 Towson, Maryland 21204

Vol. 1000  
 2133 Redwood Avenue  
 Baltimore, Maryland 21223

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
 County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your Petition has been received and accepted for filing this 6th day of July, 1983.

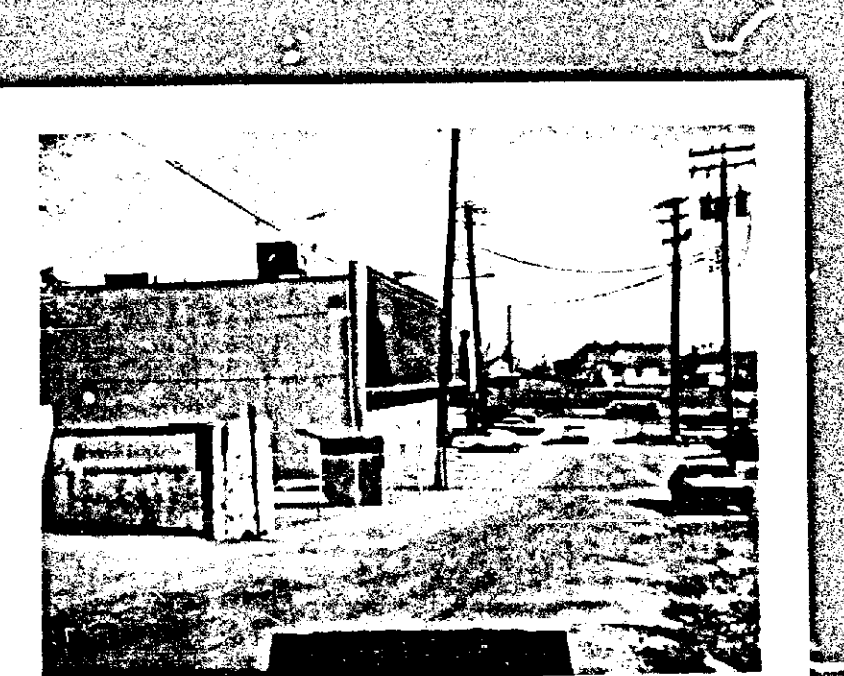
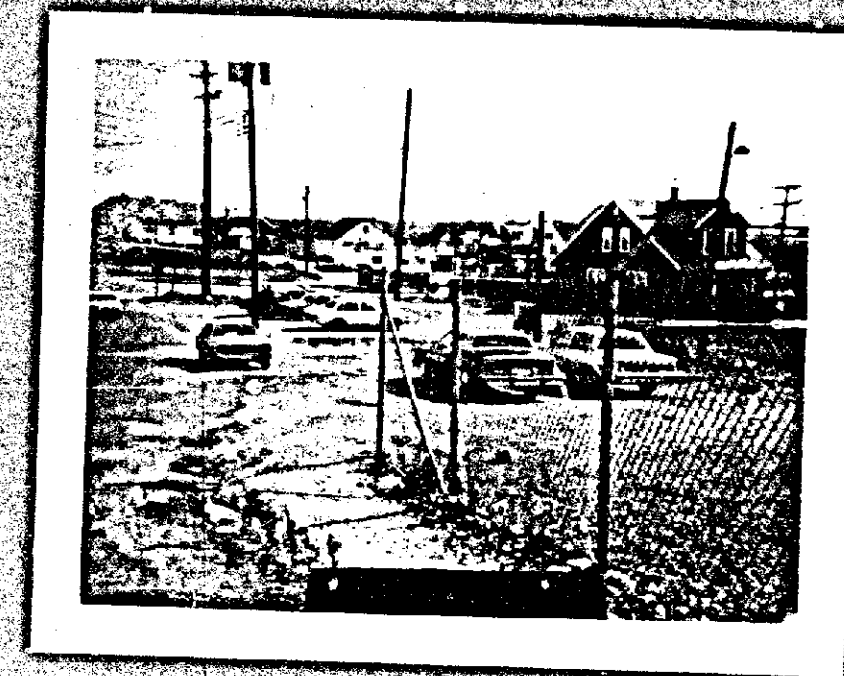
Petitioner Joseph Nofios  
 Petitioner's Attorney S. Eric DiPenna

Reviewed by: William E. Hammond  
 Nicholas E. Commodari  
 Chairman, Zoning Plans  
 Advisory Committee

**PETITION FOR VARIANCE**  
 14th Election District  
 ZONING: Petition for Variance  
 LOCATION: Northwest corner of Philadelphia Road and Cold Avenue  
 DATE & TIME: Tuesday, August 9, 1983 at 10:45 A.M.  
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
 The Board of Zoning Appeals of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing for the purpose of considering the petition for variance to the Zoning Ordinance of Baltimore County, Maryland, for the purpose of allowing the use of the property for a parking lot for the Phil Mar Inn, located at the northwest corner of Philadelphia Road and Cold Avenue, 14th Election District, Baltimore County, Maryland.  
 The Board of Zoning Appeals of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing for the purpose of considering the petition for variance to the Zoning Ordinance of Baltimore County, Maryland, for the purpose of allowing the use of the property for a parking lot for the Phil Mar Inn, located at the northwest corner of Philadelphia Road and Cold Avenue, 14th Election District, Baltimore County, Maryland.  
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**CERTIFICATE OF PUBLICATION**  
 TOWSON, MD., July 21, 1983  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of August, 1983, the 5th day of the month of August, 1983, the 5th publication appearing on the 21st day of July, 1983.  
 THE JEFFERSONIAN  
 L. L. Smith, Manager  
 Cost of Advertisement, \$ 33.45

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland  
 District 14 Date of Posting 7/29/83  
 Posted for: Phil Mar Inn  
 Petitioner: Joseph Nofios  
 Location of property: 1405 N. Pennsylvania Rd. at Cold Ave.  
 Location of Signs: On property at parking lot entrance  
 Remarks: See map  
 Posted by: William E. Hammond Date of return: 7/29/83  
 Number of Signs: 2

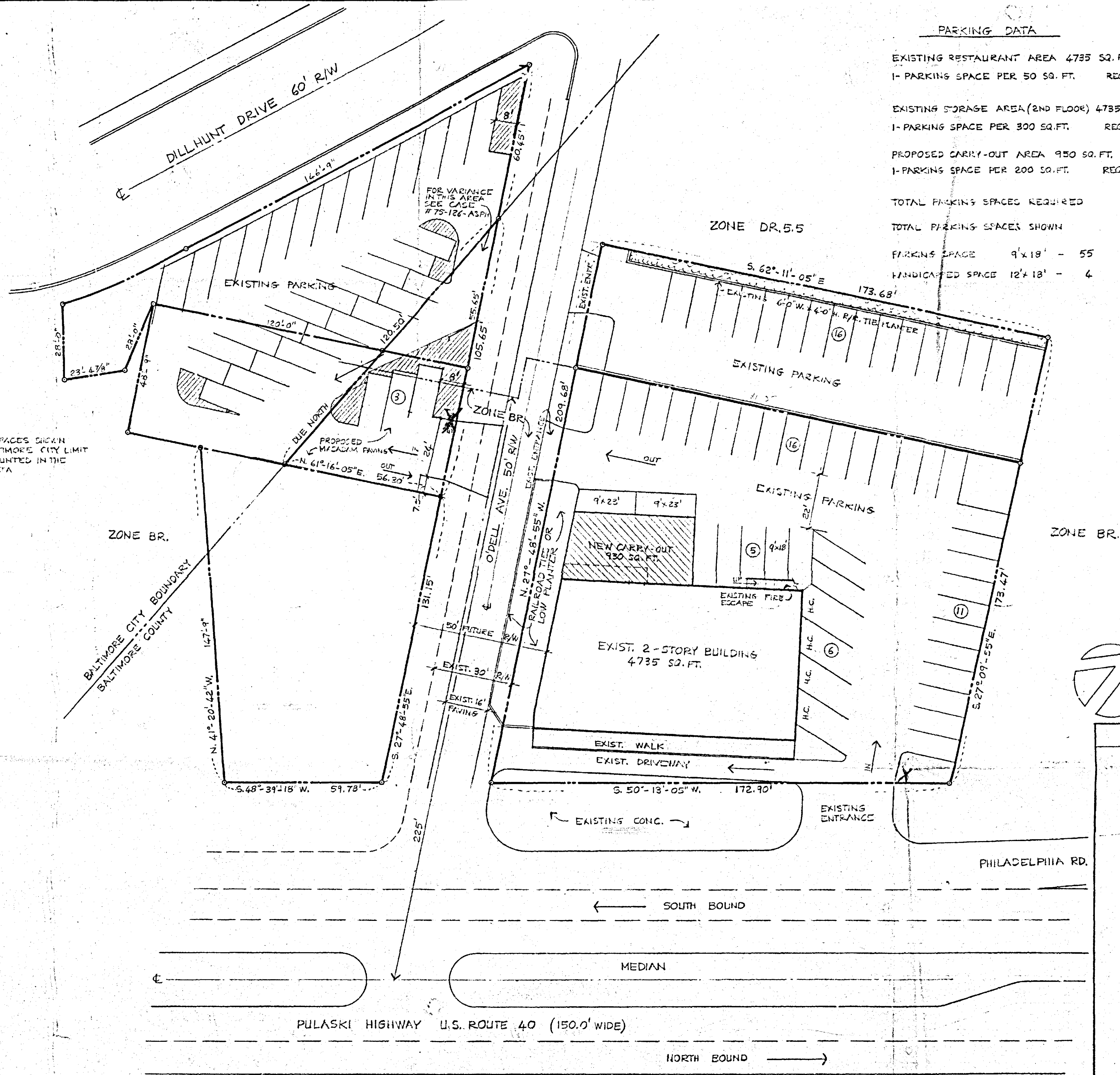


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**CERTIFICATE OF PUBLICATION**  
 OFFICE OF  
 Dundalk Eagle  
 38 N. Dundalk Ave.  
 Dundalk, Md. 21222 July 21, 19 83  
 THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of PETITION FOR VARIANCES - P.O. #46314 - REQ. #L49831, was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week; that is to say, 22nd day of July 19 83; the same was inserted in the issues of July 21, 1983.  
 Kimbel Publication, Inc.  
 per Publisher.  
 By: L. L. Smith



NOTE:  
PARKING SPACES SHOWN  
WITHIN BALTIMORE CITY LIMIT  
ARE NOT COUNTED IN THE  
PARKING DATA



PARKING DATA	
EXISTING RESTAURANT AREA 4735 SQ. FT.	
1- PARKING SPACE PER 50 SQ. FT.	REQUIRED 95 SPACES
EXISTING STORAGE AREA (2ND FLOOR) 4735 SQ. FT.	
1- PARKING SPACE PER 300 SQ. FT.	REQUIRED 16 SPACES
PROPOSED CARRY-OUT AREA 930 SQ. FT.	
1- PARKING SPACE PER 200 SQ. FT.	REQUIRED 5 SPACES
TOTAL PARKING SPACES REQUIRED	116 SPACES
TOTAL PARKING SPACES SHOWN	59 SPACES
PARKING SPACE 9'x18' - 55'	
HANDICAPPED SPACE 12'x18' - 4'	

Scale 1" = 20'

Sheet No. S-1

Drawn By: VAL. BARRESI

2133 ROCKWELL AVE.

BALTIMORE MD. 21228

TEL: 301-744-0263

Site Plan

Date OCT. 10-82

Rev. JAN. 19-83

Rev. MAY 24-83

PARKING LAYOUT for: VARIANCE

THE PHIL MAR INN

7302 PULASKI HIGHWAY

BALTIMORE COUNTY, MARYLAND

SPACE FOR APPROVAL

Revised plan #154

5-24-83

PETITIONER'S EXHIBIT